

### **REMARKS**

Claims 1-14 are pending in this application. By this Amendment, claims 7, 9 and 11 are amended; and claim 14 is added. No new matter is added. Reconsideration and allowance of this application are respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Applicants appreciate that claims 6, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants submit that claims 1-5, 7, 9 and 11-14 are also allowable in view of the foregoing amendments and following remarks.

### **CLAIM REJECTIONS- 35 U.S.C. § 112**

Claims 7, 9 and 11 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

By this Amendment, claims 7, 9 and 11 have been amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

### **CLAIM REJECTIONS- 35 U.S.C. § 103**

Claims 1-5 and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chheda et al. ("Chheda") USP 6,038,448. This rejection is respectfully traversed.

Applicants submit that Chheda fails to disclose or suggest a method of processing soft handle information at a base station, comprising, *at least*:

applying a rules set to the soft handoff information to determine changes in the active list, the rules set requiring more stringent conditions be met to add a base station to the active list when the active list includes a first number of base station as compared to when the active list includes a second number of base stations, the first number being greater than the second number

as recited in claim 1.

The Examiner alleged that col. 15, lines 31-64 and Fig. 9 of Chheda teaches the “rules set having more stringent conditions”. However, Applicants have read the entire passage in Chheda as indicated by the Examiner, and fails to see how or where a ‘more stringent condition’ is taught. Col. 15, lines 31-64 of Chheda merely uses differences in pilot signal strength to set a threshold. In other words, the passage relied on by the Examiner suggests nothing about using a ‘more stringent condition’ which has been read into Chheda by the Examiner with no supporting evidential proof

Rather, Chheda discloses determining if the number of elements in the set  $Z$ ,  $N_z$  (where  $Z$  represents the set of dropped mobile units removed from the mobile station) of pilot signal strength is greater than, or equal to two, then the absolute value of the **difference** in magnitude between the two strongest pilot signals is compared to threshold  $D_2$  (Step 916, col. 15, lines 34-42).  $D_2$  represents a threshold difference to be used between the strongest and next strongest pilot signal. If the magnitude of difference is not less than or equal to the threshold  $D_2$ , then a determination is made as to whether the number of members of the set  $Z$ ,  $N_z$  is greater than or equal to three (Step 917, col. 15, lines 48-50). If so, it is determined whether the **difference** in pilot signal strength between signal  $P_1$  and  $P_3$  is less than or equal to a  $D_3$  threshold (Step 918, col. 15, lines 53-56). Chheda thus uses **differences** in pilot signal strength to set a threshold. Accordingly, Chheda neither discloses nor suggests “the rules set requiring more stringent conditions be met to add a base station to the active list when the active list includes a first number of base stations as compared to when the active list includes a second number of base stations, the first number being greater than the second number”, as recited in claim 1.

Even assuming *arguendo* that the “stringent conditions” is taught by “ $D_2$  being less stringent than  $D_3$ ,  $D_3$  being less stringent than  $D_4$ ,  $D_5$  and  $D_6$ ” (e.g.,  $D_3 = 5$  dB,  $D_4$ - $D_6 = 2$ dB, and  $D_2=100$ dB), as alleged by the Examiner, it is submitted that the thresholds  $D_2$ - $D_6$  of Chheda are not added to an ‘active list’. Instead, Chheda discloses determining the number of elements in the set of pilot signals is greater than or equal to the corresponding threshold, and comparing the threshold to the absolute value of the difference in magnitude between the two strongest pilot signals  $P_1$  and  $P_2$ .

Moreover, Chheda discloses comparing the strength of a relative pilot signal to the threshold to determine whether to initiate a connection to a particular base station, rather than

comparing the active list of a first number base station to a second number of base stations, as recited in claim 1.

Accordingly, Applicants submit that Chheda fails to disclose each and every feature as recited in independent claim 1. Because Chheda fails to disclose each and every feature, it cannot provide a proper basis for a rejection under 35 U.S.C. § 103.

Claims 2-4, 12 and 13, which depend from claim 1, are also allowable for the reasons discussed above with respect to claim 1, as well as on their own merits.

Withdrawal and allowance of the application are respectively requested.

#### **NEW CLAIM**

New claim 14 has been added in an effort to provide further, different protection for Applicants' invention. Claim 14 is allowable at least for the reasons similar to those given for claim 1 above, and/or for the additional features recited therein.

#### **CONCLUSION**

In view of the above, Applicants earnestly solicit reconsideration and allowance of all of the pending claims.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to the Office Action and submit the required \$1020.00 extension fee herewith.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: 

Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/DJC:lmg